

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

C.R. by and through her Guardian ad Litem  
Tiffany Roe,

Plaintiff,

v.

Elk Grove United School District, et al.,

Defendants.

No. 2:20-cv-02296-KJM-AC

FINAL PRETRIAL ORDER

On July 1, 2025, the court conducted a final pretrial conference. Sean A. Commons appeared for plaintiff C.R. Cynthia Lawrence and Blaze Van Dine appeared for defendants Capitol Elementary School (CES) and Ira Ross. Richard Linkert and Madison Simmons appeared for defendants Elk Grove United School District (EGUSD) and Marilyn Delgado. After hearing, and good cause appearing, the court makes the following findings and orders:

**JURISDICTION AND VENUE**

Jurisdiction is predicated on 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3). The court has supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367(a).

Venue is proper pursuant to 28 U.S.C. § 1391(b)(1) because defendants have their principal place of business in this district. Jurisdiction and venue are not contested.

**JURY / NON-JURY**

All parties request a jury trial. The jury will include 12 jurors.

**UNDISPUTED FACTS**

1. Plaintiff C.R. (“Plaintiff” or “C.R.”) at the time relevant to this action was a minor and a special education student within EGUSD.
2. Plaintiff was placed at CES for her education by EGUSD.
3. CES is a non-public school organized as a private corporation under California law.
4. C.R. attended CES for approximately one year (January 2019 through January 2020), beginning when she was eleven years old.
5. During the time that C.R. attended CES, school administrators considered C.R.’s mental age to have been between five and seven years old.
6. Tiffany Roe is Plaintiff C.R.’s step-grandmother and legal guardian.
7. CES and EGUSD entered into a Master Contract to provide special education services to students with exceptional needs for the 2018–2019 and 2019–2020 school years.
8. EGUSD places students who cannot be served directly through its public schools with contracted non-public schools.
9. Defendant Marilyn Delgado (“Ms. Delgado”) was employed as a Program Specialist with EGUSD during the 2019–2020 school year.
10. At the times relevant to this action, Ms. Delgado oversaw students who are placed in a nonpublic school by EGUSD and facilitated their Individualized Education Program (IEP) meetings.
11. Defendant Ira Ross is the CEO of CES.
12. On November 5, 2019, an IEP meeting was held, during which Tiffany Roe expressed concern about the education C.R. was receiving at CES.

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13. On January 30, 2020, Tiffany Roe and Marilyn Delgado spoke by telephone, during which phone call Tiffany Roe reported to Ms. Delgado that C.R. had told Tiffany Roe that at least one male student at CES took her behind a wall and told her to put his penis in her mouth and she did.
14. During the January 30, 2020, call, C.R. entered the room and told Tiffany Roe for the first time that the two male students had also put their penises in her vagina, with the phone on speaker.
15. Tiffany Roe took C.R. to the hospital on January 30, 2020.
16. Ms. Delgado called Child Protective Services and made a report on January 30, 2020.
17. In light of C.R.'s allegations, the Sacramento Police Department interviewed C.R. and Tiffany Roe, and visited CES and C.R.'s classroom.

#### **DISPUTED FACTUAL ISSUES**

The parties have alerted the court to their factual disputes. Trial briefs addressing these factual disputes more completely shall be filed with this court no later than **fourteen days** prior to the date of trial in accordance with Local Rule 285.

#### **SPECIAL FACTUAL INFORMATION**

1. The alleged incidents took place beginning from May 13, 2019, through the end of January 2020.
2. The location of the alleged incidents was Capitol Elementary School, 5700 13th Avenue, Sacramento CA 95817.
3. C.R. has alleged negligence and therefore *res ipsa loquitur* may apply.
4. C.R.'s age: 11 years old on May 13, 2019, and 12 years old on the date of the remaining allegations.
5. Alleged injuries sustained: C.R. experienced significant trauma and PTSD symptoms following her assault in January 2020. C.R.'s access to education was impacted by Defendants' failure to create a safe environment for C.R. and respond to her concerns.

6. Periods of hospitalization: C.R. presented to the hospital on January 30, 2020, for a rape evaluation, but was never hospitalized overnight as a result of her rape.

7. Medical expenses and estimated future medical expenses: Plaintiff received significant trauma therapy in the years following the alleged rape. Plaintiff's expert psychiatrist Dr. Richard J. Shaw performed an evaluation on Plaintiff C.R. on January 6, 2024. Following this evaluation, in his expert report, he assessed that C.R. would require the below treatment due to persistent symptoms associated with being sexually harassed and assaulted:

A. Continued weekly psychotherapy through at least two years following her high school graduation; and

B. An additional 3-5 years of individual psychotherapy during each significant developmental transition over the course of her lifetime (*e.g.* leaving home, engaging in romantic relationships);

8. 6–12 months of couples' therapy should C.R. engage in a romantic and sexual relationship and experience trauma symptoms related to her sexual assault.

#### **MOTIONS IN LIMINE AND DISPUTED EVIDENTIARY ISSUES**

At oral argument, counsel for both parties expressed the desire to have a settlement conference before motions in limine and other evidentiary disputes were resolved. The parties are currently scheduled for a settlement conference before the Honorable Judge Dennis M. Cota on **July 16, 2025**. *See* Min. Order (July 7, 2025), ECF NO. 164.

The schedule for briefing on the parties' evidentiary disputes, which will take place after the settlement conference, is as follows.

##### **1. Motions in Limine**

All parties shall submit motions in limine within **60 days** of the completion of the mandatory settlement conference with Judge Cota. Oppositions are due within **75 days** of the settlement conference. For motions in limine contesting the parties' respective expert witnesses under *Daubert v. Merrell Dow Chemicals*, 509 U.S. 579 (1993), parties will be allowed a reply.

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Replies, if submitted, are due **85** days after the completion of the mandatory settlement conference. Plaintiff has stated she intends to submit the following motions in limine regarding:

- A. evidence of C.R.'s early-childhood sexual abuse.
- B. evidence of C.R.'s allegedly sexualized behavior towards others.
- C. any suggestion that C.R.—a disabled minor—was capable of consenting to the harassment and sexual assaults.
- D. evidence of complaints by Tiffany Roe or C.R. at different schools.
- E. evidence pertaining to the supposed lack of prior disciplinary issues, or the behavioral record of the male students involved in the alleged incidents.
- F. commentary regarding jury awards against EGUSD being paid from taxpayer money.
- G. any suggestion that C.R. could not be victimized due to her physical size.
- H. motions to exclude or limit the testimony of Defendants' designated experts, Joseph S. Schwartzberg and Catherine J. Ward.

Defendants intend to file motions in limine including,

- A. motions concerning C.R.'s competency to testify.
- B. motions concerning Tiffany Roe's testimony including competency.
- C. motions to exclude purported documentary evidence offered by Plaintiff in the form of diaries.
- D. motions to exclude Plaintiff's purported school expert, and motion to exclude Plaintiff's experts' opinions.

**2. Motion to Continue Tiffany Roe as *guardian ad litem* for plaintiff C.R.**

Plaintiff shall submit briefing in support of the continuance of Tiffany Roe continuing as *guardian ad litem* for plaintiff C.R. within **60 days** of the completion of the mandatory settlement conference with Judge Cota. Defendants' opposition, if submitted, are due **75** days after the completion of the mandatory settlement conference.

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1           **3. Motion to accommodate C.R. under Federal Rule of Civil Procedure 43(a)**

2           Plaintiff may file a motion seeking accommodations for C.R.'s testimony under Federal  
3 Rule of Civil Procedure 43(a) within **60 days** of the completion of the mandatory settlement  
4 conference with Judge Cota. Defendants' opposition briefs are due **75** days of the completion of  
5 the mandatory settlement conference with Judge Cota.

6           **4. Discovery Documents**

7           The parties are to meet and confer to provide further detail as to what discovery  
8 documents will be used at trial, including deposition testimony. The court orders the parties to  
9 produce detailed designations **10 days** before motions in limine are due.

10           **5. Requests for Judicial Notice**

11           All parties shall submit requests for judicial notice **two weeks** before the start of trial.

12           **6. Protective Order**

13           Plaintiff intends to seek a trial protective order pursuant to Local Rule 141.1 and Federal  
14 Rule of Civil Procedure 26 to keep confidential sensitive materials relating to plaintiff. Plaintiff  
15 shall submit any request for a protective order within **60 days** of the completion of the mandatory  
16 settlement conference, bearing in mind that court records are presumptively public and the court  
17 is disinclined to seal any materials used during trial. In any request for a protective order,  
18 plaintiff must explain whether redaction of limited information is, in her counsel's view, an  
19 alternative to sealing and if so to what extent plaintiff requests redaction, while recognizing that  
20 redaction also requires approval of the court.

21           **RELIEF SOUGHT**

22           Plaintiff intends to seek the following relief at trial: (1) general damages; (2) special  
23 damages, including but not limited to medical and incidental expense according to proof; (3)  
24 punitive damages; (4) costs of suit; (5) attorneys' fees; (6) for prejudgment interest as permitted by  
25 law; and (7) for such other and further relief as the court deems proper, including equitable relief  
26 to ensure adequate protections for students.

1 **POINTS OF LAW**

2 The parties have alerted the court to disputes about the applicable law and legal standards.  
3 Trial briefs addressing these points more completely shall be filed with this court no later than  
4 **fourteen days** prior to the date of trial in accordance with Local Rule 285.

5 **WITNESSES**

6 The plaintiff's witnesses are those listed in Attachment A below. CES's witnesses are  
7 those listed in Attachment B below. EGUSD's witnesses are those listed in Attachment C below.  
8 Each party may call any witnesses designated by the other.

9 A. The court will not permit any other witness to testify unless:

- 10 (1) The party offering the witness demonstrates that the witness is for the  
11 purpose of rebutting evidence that could not be reasonably anticipated at  
12 the pretrial conference, or  
13 (2) The witness was discovered after the pretrial conference and the proffering  
14 party makes the showing required in "B," below.

15 B. Upon the post pretrial discovery of any witness a party wishes to present at trial,  
16 the party shall promptly inform the court and opposing parties of the existence of  
17 the unlisted witnesses so the court may consider whether the witnesses shall be  
18 permitted to testify at trial. The witnesses will not be permitted unless:

- 19 (1) The witness could not reasonably have been discovered prior to the  
20 discovery cutoff.  
21 (2) The court and opposing parties were promptly notified upon discovery of  
22 the witness.  
23 (3) If time permitted, the party proffered the witness for deposition.  
24 (4) If time did not permit, a reasonable summary of the witness's testimony  
25 was provided to opposing parties.

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# EXHIBITS, SCHEDULES AND SUMMARIES

Plaintiff’s exhibits are those listed in Attachment D below. CES’s exhibits are those listed in Attachment E below. EGUSD’s exhibits are those listed in Attachment F below. At trial, plaintiff’s exhibits shall be identified using the prefix “P,” i.e., P-1, P-2, P-3, and so on. At trial, CES’s exhibits shall be identified using the prefix “CES,” i.e., CES-1, CES-2, CES-3, and so on. EGUSD’s exhibits shall be identified as EGUSD-1, EGUSD-2, EGUSD-3, and so on. The parties are directed to meet and confer before trial to identify all exhibits they agree are admissible and will list jointly. Joint exhibits will be identified using the prefix “J,” i.e., J-1, J-2, J-3, and so on.

The parties must prepare exhibit binders for use by the court at trial, with a side tab identifying each exhibit in accordance with the specifications above. Each binder shall have an identification label on the front and spine.

The parties must exchange exhibits no later than **twenty-eight days before trial**. Any objections to exhibits are due no later than **fourteen days before trial**.

A. The court will not admit exhibits other than those identified on the exhibit lists referenced above unless:

1. The party proffering the exhibit demonstrates that the exhibit is for the purpose of rebutting evidence that could not have been reasonably anticipated, or
2. The exhibit was discovered after the issuance of this order and the proffering party makes the showing required in Paragraph “B,” below.

B. Upon the discovery of exhibits after the discovery cutoff, a party shall promptly inform the court and opposing parties of the existence of such exhibits so that the court may consider their admissibility at trial. The exhibits will not be received unless the proffering party demonstrates:

1. The exhibits could not reasonably have been discovered earlier;
2. The court and the opposing parties were promptly informed of their existence; and



3. The proffering party forwarded a copy of the exhibits (if physically possible) to the opposing party. If the exhibits may not be copied the proffering party must show that it has made the exhibits reasonably available for inspection by the opposing parties.

#### **DEPOSITION TRANSCRIPTS**

Counsel must lodge the sealed original copy of any deposition transcript to be used at trial with the Clerk of the Court on the first day of trial.

#### **AMENDMENTS AND DISMISSALS**

The parties have none at this time.

#### **SEPARATE TRIAL OF ISSUES**

The court will not bifurcate the trial.

#### **IMPARTIAL EXPERTS OR LIMITATIONS OF EXPERTS**

The court will not appoint an impartial expert or limit the number of expert witnesses.

#### **ATTORNEYS' FEES**

Plaintiff seeks reasonable attorneys' fees, litigation expenses, and costs pursuant to federal and state law, including but not limited to 42 U.S.C. § 794, California Civil Code sections 52, 52.1 and California Code of Civil Procedure section 1021.5. Motion practice regarding fees and costs will follow trial, according to a briefing and hearing schedule ordered by the court.

#### **TRIAL EXHIBITS**

No special handling of trial exhibits is necessary. The offering party will retain exhibits pending any appeals.

#### **TRIAL DATE AND ESTIMATED LENGTH OF TRIAL**

The parties' counsel filed a supplemental joint statement discussing their availability for trial. *See* ECF No. 165. At this point the parties should be prepared for trial in **January 2026**. Trial of this case is anticipated to last up to 15 days. The court will set a date certain in January 2026 as the first day of trial, after the settlement conference referenced above concludes and if the case does not settle.

**JOINT STATEMENT, PROPOSED JURY VOIR DIRE AND JURY INSTRUCTIONS**

The parties shall file any proposed jury voir dire **seven days before trial**. Each party will be limited to ten minutes of jury voir dire, following the court's own thorough voir dire.

The court directs counsel to meet and confer in an attempt to generate a joint set of jury instructions and verdicts and a joint statement of the case. The parties shall file any such joint set of instructions and statement of the case **fourteen days before trial**, identified as "Jury Instructions and Verdicts Without Objection" and "Joint Statement of the Case." The joint statement should be a summary paragraph or two discussing the claims and defenses, which the court use during voir dire and in the preliminary instructions to the jury once seated. To the extent the parties are unable to agree on all or some instructions and verdicts or joint statement, their respective proposed instructions and statement are due **fourteen days before trial**.

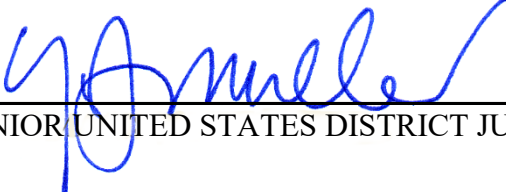
Counsel shall e-mail a copy of all proposed joint statements, jury instructions and verdicts, whether agreed or disputed, as a word document to [kjmorders@caed.uscourts.gov](mailto:kjmorders@caed.uscourts.gov) no later than **fourteen days before trial**; all blanks in form instructions should be completed and all brackets removed.

Objections to proposed joint statement language or jury instructions must be filed **seven days before trial**; each objection shall identify the challenged section of the joint statement or instruction and shall provide a concise explanation of the basis for the objection along with citation of authority. When applicable, the objecting party shall submit an alternative proposed instruction on the issue or identify which of his or her own proposed instructions covers the subject.

**OBJECTIONS TO THIS ORDER AND CONCLUSION**

Each party is granted **fourteen days** from the date of this order to file objections to the same. If no objections are filed, the order will become final without further order of this court.

DATED: July 11, 2025.

  
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SENIOR UNITED STATES DISTRICT JUDGE

**ATTACHMENT A: PLAINTIFFS' WITNESS LIST**

1. C.R., 9487 Canmoor Circle, Elk Grove, CA 95758
2. Tiffany Roe, 9487 Canmoor Circle, Elk Grove, CA 95758
3. Sequoia Jones, P.O. Box 2692, Elk Grove, CA 95759
4. Ira Ross, 3032 5<sup>th</sup> Avenue, Sacramento, CA 95817
5. Marilyn Delgado, 9417 Colwin Way, Elk Grove, CA 95624
6. Angelica Taber 3210 24<sup>th</sup> Avenue, Sacramento, CA 95820
7. Erika Duran, 10466 Anada Lane, Rancho Cordova, CA 95670
8. Samantha Kuechler, 4851 Kokomo Drive, Unit 6125, Sacramento, CA 95835
9. Samantha Long-Chan (non-retained expert witness), 9366 Laguna Pointe Way, Elk Grove, CA 95758
10. Dr. Richard J. Shaw (retained expert witness), Stanford School of Medicine Department of Psychiatry and Behavioral Sciences, 401 Quarry Road, Stanford, CA 94305.
11. Craig Cunningham (retained expert witness), 6845 Aldea Avenue, Van Nuys, CA 91496

**ATTACHMENT B: CES'S WITNESS LIST**

1. Ira Ross, available through counsel for Capitol Elementary School.
2. Samantha Keuchler, available through counsel for Capitol Elementary School.
3. Irene Patino, available through counsel for Capitol Elementary School.
4. Erika Duran, available through counsel for Capitol Elementary School.
5. Anglica Taber, available through counsel for Capitol Elementary School.
6. Billy Stimson, available through counsel for Capitol Elementary School.
7. Karen DeGuzman, available through counsel for Capitol Elementary School.
8. Marilyn Delgado, available through counsel for EGUSD.
9. Plaintiff C.R., available through counsel for Plaintiff.
10. Tiffany Roe., available through counsel for Plaintiff.
11. Dr. Joseph Schwartzberg (expert witness), available through counsel for Capitol Elementary School.
12. Dr. Catherine Ward (expert witness), available through counsel for Capitol Elementary School.

**ATTACHMENT C: EGUSD'S WITNESS LIST**

1. Tiffany Roe, contact through plaintiff's attorney of record
2. Doe C.R., contact through plaintiff's attorney of record
3. Marilyn Delgado, contact through EGUSD's attorney of record
4. Cindy Hayes, contact through EGUSD's attorney of record
5. Elizabeth Rayner, contact through EGUSD's attorney of record
6. Anavel Rodrigues-Jimenez, contact through EGUSD's attorney of record
7. Jennifer Lipsky, contact through EGUSD's attorney of record
8. Monique Grove, contact through EGUSD's attorney of record
9. Jean Luu, contact through EGUSD's attorney of record
10. Ira Ross, contact through EGUSD's attorney of record
11. Marinelle Abeleda, contact through EGUSD's attorney of record
12. Erica Duran, contact through EGUSD's attorney of record
13. Angelica Taber, contact through EGUSD's attorney of record
14. Claire Tan, contact through EGUSD's attorney of record
15. Dr. Keather Kehoe, River Oak for Children, 9412 Big Horn Blvd., Ste. 6, Elk Grove, CA 95758
16. Cynthia Alford, P.O. Box 160727, Sacramento, CA 95816-9849
17. Hien Nguyen, Hospital Way (116A/SAC), BHICU Building 726, Mather, CA 95655
18. K. DeGuzman, contact through attorney of record
19. Billy K. Stimson, contact through attorney of record
20. Dennis Devine, contact through attorney of record
21. Theresa Gannon, contact through attorney of record
22. Cora Victorine, contact through attorney of record
23. Benedict Hutchinson Brooks, 5824 20<sup>th</sup> Ave., Sacramento CA, 95820-3108
24. Andrea Gross, 7500 Hospital Dr., Sacramento, CA 95823-5403
25. Christina Haldorsen, 7500 Hospital Dr., Sacramento, CA 95823-5403

- 1 26. Veronica Ayala, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
2 95758
- 3 27. Robert Black, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
4 95758
- 5 28. Cheryl Keenan, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
6 95758
- 7 29. Keather Kehoe, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
8 95758
- 9 30. Chelsea Klingfus, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
10 95758
- 11 31. Hannah Larson, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
12 95758
- 13 32. Samantha Long-Chen, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove,  
14 CA 95758
- 15 33. Carol Lopez, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
16 95758
- 17 34. Lilly Pia, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA 95758
- 18 35. Katherine Simonson, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove,  
19 CA 95758
- 20 36. Ophelia Smith, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
21 95758
- 22 37. Lindsay Willis, River Oak for Children, 9412 Big Horn Blvd., Suite 6, Elk Grove, CA  
23 95758
- 24 38. Harry Wang, 6355 Riverside Blvd Ste S, Sacramento, CA 95831
- 25 39. Mai Lao, 3030 Explorer Dr., Sacramento, CA 95827-2728
- 26 40. Paul Fong, Badge # 3015, Sacramento Police Department, 300 Richards Blvd.,  
27 Sacramento, CA 95811

- 1 41. Deidre McAuliff, Badge # 935, Sacramento Police Department, 300 Richards Blvd.,  
2 Sacramento, CA 95811
- 3 42. Joan Villaflor, 7501 Hospital Drive, # 203, Sacramento, CA 95823
- 4 43. Cheryl White Vance, UCD Department of Emergency Medicine, 4150 V Street STE 2100,  
5 Sacramento, CA 95817
- 6 44. Devin Farren, Contact through EGUSD attorney of record
- 7 45. Perla-Inez Maulino, Sacramento Valley Pediatrics Medical Group 7501 Hospital Dr. #  
8 203, Sacramento, CA 95823
- 9 46. Joseph Schwartzberg (expert) contact through CES counsel
- 10 47. Catherine Ward (expert) contact through CES counsel
- 11

1 **ATTACHMENT D: PLAINTIFF'S EXHIBIT LIST**

1. State of California Secretary of State Statement of Information for New Dimension Learning Academy (Ross Dep. Ex. 10)
2. U.S. Bankruptcy Court E.D. Cal. Voluntary Petition for Ira G. Ross Jr. dated February 18, 2014 (Ross Dep. Ex. 17)
3. U.S. Bankruptcy Court E.D. Cal. Chapter 13 Standing Trustee's Final Report and Account for Ira G. Ross Jr. dated August 7, 2019 (Ross Dep. Ex. 18)
4. EGUSD Contract Summary Sheet for Capitol Academy, Inc. dated July 1, 2019 (Ross Dep. Ex. 12)
5. Suspected Child Abuse Report To Be completed by Mandated Child Abuse Reporters Pursuant to Penal Code Section 11166 (Delgado Dep. Ex. 19)
6. 2020-02-20 EGUSD Request for Special Education Home Hospital
7. Capitol Elementary Inc. Nonpublic, Nonsectarian School / Agency Services Master Contract 2019-2020 (Delgado Dep. Ex. 6)
8. 2019-10-1 Email from I. Ross to M. Delgado re: phone message (Delgado Dep. Ex. 12)
9. Capitol Elementary 2019-2020 EGUSD Master Contract Documents (Delgado Del. Ex. 7)

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10. Child Abuse and Neglect Reporting Requirements  
Acknowledgement Form for Ira Ross dated June 14,  
2019 (Ross Dep. Ex. 6)
11. EGUSD Contract Summary Sheet for Capitol  
Elementary Inc. 2020-2021 School Year (Ross Dep.  
Ex. 16)
12. Capitol Elementary 2018 – 2019 Documents, Forms,  
and Insurance
13. Capitol Elementary 2018 – 2019 Documents, Forms,  
and Insurance
14. Capitol Elementary 2019 – 2020 Documents, Forms,  
and Insurance
15. Nonpublic, Nonsectarian School / Agency Services  
Master Contract Change-Pro Redline
16. Master Contract Nonpublic, Nonsectarian School /  
Agency Services Master Contract 2021 – 2022  
Change- Pro Redline
17. 2020-01 Phone Logs – T.R.’s Winter Break Calls to  
Marilyn Delgado
18. 2020-2-12 Letter from T. Roe to Dr. Kehoe
19. River Oak Center for Children Child/Youth Mental  
Status Exam dated April 12, 2019 (Shaw Dep. Ex.  
27)
20. Child and Adolescent Needs and Strengths (CANS)
21. River Oak Center for Children Progress Notes  
Report

22. 2019-10-4 River Oak Center for Children Progress  
Notes Report
23. 2019-11-22 River Oak Center for Children Progress  
Notes Report
24. 2020-11-20 River Oak Center for Children Progress  
Notes Report
25. 2020-02-02 River Oak Center for Children Progress  
Notes Report
26. 2020-03-10 River Oak Center for Children Progress  
Notes Report
27. 2020-04-09 River Oak Center for Children Progress  
Notes Report
28. 2020-04-16 River Oak Center for Children Progress  
Notes Report
29. 2020-07-09 River Oak Center for Children Progress  
Notes Report
30. 2020-09-01 River Oak Center for Children Progress  
Notes Report
31. 2020-09-03 River Oak Center for Children Progress  
Notes Report
32. 2020-09-08 River Oak Center for Children Progress  
Notes Report
33. 2020-09-22 River Oak Center for Children Progress  
Notes Report
34. 2020-10-20 River Oak Center for Children Progress  
Notes Report

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35. 2020-12-08 River Oak Center for Children Progress  
Notes Report
36. 2020-12-16 River Oak Center for Children Progress  
Notes Report
37. 2021-01-19 River Oak Center for Children Progress  
Notes Report
38. 2021-02-16 River Oak Center for Children Progress  
Notes Report
39. 2021-04-22 River Oak Center for Children Progress  
Notes Report
40. 2021-05-10 River Oak Center for Children Progress  
Notes Report
41. 2021-06-16 River Oak Center for Children Progress  
Notes Report
42. 2021-07-21 River Oak Center for Children Progress  
Notes Report
43. Capitol Elementary Parent & Student Handbook  
(Roe Dep. Ex. 2)
44. Capitol Elementary – Sexual Harassment Policy  
Signed by C.R. (Roe Dep. Ex. 3)
45. 2019-5-13 Email from E. Duran to A. Taber re:  
Capitol Elementary Mail (Taber Dep. Ex. 21)
46. 2020-01-30 Email from A. Taber to M. Delgado and  
J. Luu re: Police Offer (Delgado Dep. Ex. 10)
47. Photograph of C.R. (Delgado Dep. Ex. 2)
48. Weekly Behavior Report

49. Student Worksheet (Duran Dep. Ex. 13)
50. Photograph of C.R. (Duran Dep. Ex. 2)
51. DeGuzman Therapy Notes (Taber Dep. Ex. 18)
52. Problem Solving Steps Worksheet (Duran Dep. Ex. 17)
53. Capitol Academy & Capitol Teacher: Capitol Inc. Teacher Handbook (Duran Dep. Ex. 6)
54. Capitol Academy & Capitol: Educational Aide Handbook
55. Capitol Schools Fall 2018-2019 Training Schedule
56. Capitol Schools Spring 2019 Training Schedule
57. Capitol Schools Fall 2019-2020 Training Schedule (Ross Dep. Ex. 7)
58. Capitol Elementary Classroom Assignments (Ross Dep. Ex. 20)
59. 2018-08-31 Capitol Elementary Staff Meeting Acknowledgement Sheet
60. 2018-09-14 Capitol Elementary Staff Meeting Acknowledgment Sheet
61. 2018-10-5 Capitol Elementary Staff Meeting Acknowledgment Sheet
62. 2018-11-02 Capitol Elementary Staff Meeting Acknowledgment Sheet

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- 63. 2018-12-7 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
  - 64. 2018-12-12 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
  - 65. 2019-1-2 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
  - 66. 2019-1-25 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
  - 67. 2019-2-22 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
  - 68. 2019-2-15 Capitol Elementary Staff Meeting  
Acknowledgment Sheet

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- 69. 2019-03-01 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
- 70. 2019-3-18 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
- 71. 2019-4-5 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
- 72. 2019-5-3 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
- 73. 2019-6-12 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
- 74. 2019-7-12 Capitol Employee Training List

75. 2019-8-2 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
76. 2019-8-2 Training Sign-In Sheet
77. 2019-8-27 Capitol Elementary Staff Meeting  
Acknowledgment Sheet (Taber Dep. Ex. 8)
78. 2019-9-6 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
79. 2019-09-20 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
80. 2019-10-18 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
81. 2019-10-25 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
82. 2019-11-8 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
83. 2019-12-13 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
84. 2020-1-24 Capitol Elementary Staff Meeting  
Acknowledgment Sheet
85. 2020-11-17 A. Taber Letter (Taber Dep. Ex. 22)
86. Elk Grove Unified School District Contract  
Summary Sheet with Capitol Academy, Inc. for 2019  
– 2020 School Year

87. Capitol Academy, Inc. Nonpublic, Nonsectarian  
School / Agency Services Master Contract 2019-  
2020
88. Elk Grove Unified School District Contract  
Summary Sheet with Capitol Academy, Inc. for 2020  
– 2021 School Year
89. 2020-08-28 EGUSD Letter re: Master Contract
90. Elk Grove Unified School District Contract  
Summary Sheet Amendment for 2020 – 2021 School  
Year
91. Capitol Academy, Inc. Nonpublic, Nonsectarian  
School / Agency Services First Amendment to  
Master Contract 2020-2021
92. 2020-02-12 Email from C. Jones to T. Roe re: C.R.  
letter
93. 2018-2019 Capitol Elementary Policy & Procedure  
Manual
94. Samantha Kuechler Resume (Kuechler Dep. Ex. 4)
95. Erika Duran Resume (Duran Dep Ex. 18)
96. Elk Grove Unified Assessment Plan dated  
September 2, 2019
97. 2019-09-04 Email from M. Delgado to A. Taber re:  
Van Incident (Delgado Dep. Ex. 13)

98. 2020-01-14 Email from A. Rodriguez-Jimenez to M. Delgado re: phone message (Delgado Dep. Ex. 16)
99. 2020-01-15 Email from M. Delgado to D. Johnson re: New referral (Delgado Dep. Ex. 17)
100. 2020-01-27 Email from A. Rodriguez-Jimenez to M. Delgado re: phone message (Delgado Dep. Ex. 20)
101. Copy of Call Report from (916) 647-2927 to EGUSD
102. 1-30-2020 Sacramento Police Department Victim Statement (Duran Dep. Ex. 22)
103. 2019-05-29 Elk Grove Unified Individualized Education Program
104. 2020-02-05 Email from H. Nguyen to T. Roe re: Follow Up
105. 2020-01-27 T. Roe Call Notes
106. 2019-09-04 – 2020-03-09 T. Roe Call Log and Notes
107. 2019 – 2020 T. Roe Call Log and Notes
108. T. Roe Call List and Appointments Made with Elk Grove School District
109. T. Roe Notes



110. Child Depression Inventory – Child and Caregiver Report-CR
111. MASC – Child and Caregiver Report - CR
112. UCLA PTSD Reaction Index – Child Report
113. UCLA PTSD Reaction Index – Parent/Caregiver Report
114. 2019-05-8 Visit Note – Office Visit
115. EGUSD Program Specialist – Special Education, Job Description (Delgado Dep. Ex. 4)
116. 2022-04-18 Desire & Grit Feat: Ira & Dwayne (Ross Dep. Ex. 19)
117. EGUSD Local Control Accountability Plan and Local Control Funding Formula 2016-2019
118. EGUSD State Report of Adopted Budget Financials, Fiscal Year 2019-20
119. EGUSD Local Control Funding Formula and Local Control Accountability Plan 2019-20
120. EGUSD State Report of Unaudited Actuals, Fiscal Years 2018-2019
121. Paycheck Protection Program (“PPP”) Loan Records for Capitol Elementary Inc.

122. Paycheck Protection Program (“PPP”) Loan Records  
for Capitol Elementary School Inc.
123. EGUSD State Report of Unaudited Actuals, Fiscal  
Years 2019-2020
124. EGUSD Special Education Local Plan Area  
 (“SELPA”) Section D: Annual Budget Plan, Fiscal  
Year 2023-24
125. Local Assistance Entitlements Grant Recipients List  
for Individuals with Disabilities Education Act  
 (“IDEA”) Funding as of April 5, 2021
126. Statement of Incorporation for Capitol Elementary  
School, Inc. filed October 1, 2022
127. State of California Office of the Secretary of State  
Statement of Information Corporation for Capitol  
Elementary School, Inc. (Ross Dep. Ex. 14)
128. Ira Ross Resume (Ross Dep. Ex. 9)
129. Possible Rebuttal Exhibits

**ATTACHMENT E: CES'S EXHIBIT LIST**

1. Capitol Elementary Parent & Student Handbook  
(CES 000001-32)
2. Plaintiff's Student Attendance Records (CES  
000034-40)
3. 05/29/17 Behavior Intervention Plan (CES 000047-  
50)
4. 11/01/19 Behavior Intervention Plan (CES 000051-  
54)
5. 11/05/19 IEP Documents (CES 000055-83)
6. 11/05/19 Student Incident Report (CES 000087-88)
7. 01/22/19 Initial Student Interview (CES 000089-90)
8. Sexual Harassment Policy signed by Plaintiff (CES  
0000118)
9. 10/10/29 Psycho-Educational Evaluation (CES  
000130-147)
10. Statement from Angelica Taber (CES 000161)
11. Emails 05/10/19 through 05/13/19 between T.R.,  
Erika Duran, and Angelica Taber (CES 000165-67)
12. 01/30/20 email from Angelica Taber to Marilyn  
Delgado, Jean Luu, and Ira Ross (CES 000185)
13. 06/13/17 Triennial Psychological Assessment  
Summary (CES 000189-94)
14. Capitol Elementary Weekly Behavior Form (CES  
000224-88)
15. 01/22/20 Individual Therapy Notes (CES 000319)
16. Capitol Elementary Therapy Log (CES 000324-25)

17. Capitol Academy & Capitol Teacher Handbook  
(CES 000327-72)
18. Capitol Academy & Capitol Educational Aide  
Handbook (CES 000373-415)
19. Capitol Schools Fall 2018-2019 Training Schedule  
(CES 000417)
20. Capitol Schools Spring 2019 Training Schedule  
(CES 000419)
21. Capitol Schools Fall 2019-2020 Training Schedule  
(CES 000421)
22. Capitol Elementary Positive School-Wide Behavior  
System (CES 01152-1165)
23. 2019-2020 Policy & Procedure Manual (CES  
001070-98)
24. Sacramento Police Department Public Counter-  
Report Request 01/30/20 (CS000001-8)
25. Developmental History Questionnaire (CS000080-  
86)
26. Probate Mediation Report (CS 000095-103)
27. IEP 06/11/12 (CS 000107-17)
28. IEP Team Amendments Page 05/10/12 (CS 000118-  
28)
29. Behavior Support Plan 03/14/12 (CS 000133-36)
30. Psychological Assessment Pre-K Special Education  
Services 02/03/12 (CS 000137-44)
31. IEP 06/14/11 (CS 000152-68)

32. Psychological Assessment Pre-K Special Education  
Services 06/16/21 (CS 000170-77)
33. Multi-Disciplinary Assessment Pre-K Special  
Education Services (CS 000178-85)
34. Educational Report (CS 000203-207)
35. Behavior Report 09/21/12 (CS 000208-16)

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## 1 ATTACHMENT F: EGUSD'S EXHIBIT LIST

EXHIBIT NUMBER	EXHIBIT DATE	DESCRIPTION
1001	2017-2023	EGUSD Mandated Trainings
1002	03/27/19-02-03/20	River Oak initial Assessment and Progress Notes with Simonsen
1003	06/01/17	[Confidential] Doe CR IEP
1004	06/19/17	[Confidential] IEP Amendment
1005	08/31/18	[Confidential] 2018-2019 CES Training Schedule
1006	08/31/18	Mandatory Meeting Sign in Sheet
1007	01/30/19	Email from Angelica Taber to Marilyn Delgado re police officer on campus re Doe CR report
1008	03/29/19	River Oak Center for Children Progress Notes Report - E&M
1009	03/29/19	River Oak Center for Children Progress Notes Report - AMSP
1010	03/29/19	River Oak Progress Note with Simonsen
1011	04/12/19	River Oak Progress Note with Simonsen
1012	04/29/19	River Oak Center for Children Progress Notes Report - E&M
1013	05/13/19	Email from Erica Duran to Angelica Taber re communication with Tiffany Roe
1014	06/06/19	River Oak Center for Children Progress Notes Report - E&M
1015	06/14/19	CES Child Abuse and Negligent Reporting Requirements Acknowledgement Form
1016	06/20/19	River Oak Center for Children Progress Notes Report - E&M
1017	07/01/19	Capitol Elementary, Inc., Master Contract
1018	07/01/19	CES/EGUSD Master Contract
1019	08/05/19	River Oak Center for Children Progress Notes Report - E&M
1020	08/27/19	Staff Attendance for 8/27/19 All Staff Training
1021	09/02/19	Victorine - Tiffany Roe Assessment of Doe CR
1022	09/02/19	Victorine - Assessment Plan
1023	09/03/19	River Oak Center for Children Progress Notes Report - E&M
1024	09/04/19	Email from Delgado to Taber re Tiffany Roe accusations regarding van accident
1025	09/08/19	Connors 3TM Parent Response Booklet
1026	10/01/19	Email from Ira Ross to Marilyn Delgado re meeting with Tiffany Roe
1027	10/10/19	[Confidential] Victorine - Psycho-Educational Evaluation
1028	10/24/19	[Confidential] Deguzman Notes from Session with Doe CR
1029	10/29/19	River Oak Center for Children Progress Notes Report - E&M
1030	11/05/19	[Confidential] Doe CR November 5, 2019 IEP meeting notes
1031	12/03/19	River Oak Center for Children Progress Notes Report - E&M
1032	01/30/19-12/04/19	CES Doe CR Behavior Reports
1033	12/18/2019	[Confidential] CES Injury Report Form
1034	01/07/20	River Oak Center for Children Progress Notes Report -

		E&M
1035	01/14/20	Telephone message from Tiffany Roe asking for a referral for Northern California Prep School
1036	01/22/20	[Confidential] Deguzman Notes from Session with Doe
1037	01/27/20	Telephone Message from Darlene Cooper To Marilyn Delgado
1038	01/29/20	River Oak Center for Children Progress Notes – DAP
1039	01/30/20	CPS Report
1040	01/30/20	Police Report
1041	02/22/19-02/05/20	Villafor – Office Visit Notes
1042	02/11/20	River Oak Center for Children Progress Notes Report – E&M
1043	02/12/20	Letter from Tiffany Roe to Dr. Kehoe re Doe CR Home School Note
1044	02/20/20	Request for Home Hospital Education
1045	02/20/20	Letter from Dr. Kehoe to EGUSD re Doe CR Home School
1046	02/05/20-02/21/20	UC Davis Records Post Incident (Maulino)
1047	03/10/20-04/25/20	River Oak Center for Children Progress Notes post incident
1048	06/26/18-6/10/20	Alta Regional Plans
1049	02/03/20-09/14/20	River Oak Progress Note – Klingfus -DAP – Post Incident
1050	07/21/20-03/17/21	Long Chan Reports – River Oaks – DAP
1051	8/15/16-5/19/21	Nguyen – Alta Regional Consumer I.D. Notes
1052	08/02/24	Devine Triennial Psychological Assessment Summary
1053	01/30/25	Sacramento City Policy CAD
1054	00/00/00	Pleasant Grove High School Records
1055	00/00/00	[Confidential] Capitol Elementary Parent Student Handbook
1056	00/00/00	CES Sexual Harassment Policy
1057	00/00/00	[Confidential] K. Deguzman CES Therapy Log 2019-2020
1058	00/00/00	[Confidential] Capitol Schools Fall 2019-2020 Training Schedule
1059	00/00/00	CES Incident Reports re Doe CR
1060	00/00/00	Taber Statement
1061	00/00/00	CES Teacher Handbook
1062	00/00/00	Van Rules
1063	00/00/00	Parent Complaint Procedures
1064	00/00/00	Methodist Hospital Medical Records
1065	00/00/00	UC Davis Medical Records
1066	00/00/00	Pinkerton MS Records
1067	00/00/00	Doe CR CUM File
1068	00/00/00	EGUSD/DELGADO initial disclosure (documents produced)